UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,429	09/30/2003	Bruce A. Phillips	020366-092300US	7056

20350   7590   09/26/2008
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
RYAN, PATRICK A

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
09/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/676,429	PHILLIPS ET AL.
	Examiner	Art Unit	
	PATRICK A. RYAN	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _17 March 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-55_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-55_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is made in response to Reply to Office Action of March 17,

2008 ("Reply"), filed June 16, 2008. Applicant has amended Claims 1, 15, 23, 27, 43,

49, 50, and 51; added Claim 55; and no claims have been canceled. As amended,

Claims 1 through 55 are presented for examination.

Information Disclosure Statement

2.   The information disclosure statement filed March 1, 2004 fails to comply with 37

CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications,

applications, or other information submitted for consideration by the Office; (2) U.S.

patents and U.S. patent application publications listed in a section separately from

citations of other documents; (3) the application number of the application in which the

information disclosure statement is being submitted on each page of the list; (4) a

column that provides a blank space next to each document to be considered, for the

examiner's initials; and (5) a heading that clearly indicates that the list is an information

disclosure statement. The information disclosure statement has been placed in the

application file, but the information referred to therein has not been considered.

Applicant is advised that the IDS filed March 1, 2004 does not provide an area for the

Examiner's signature. The Examiner therefore upholds this objection.

Claim Objections

3.   In the Office Action of March 17, 2008 ("Office Action") Claim 23 (a method claim) was stated as dependent from the method of Claim 8 (an apparatus claim). Applicant has amended Claim 23 to be dependent from Claim 22, which is a method claim. In view of this amendment, the Examiner withdraws the objection of Claim 23.

Response to Arguments

4.   Applicant's arguments with respect to Claims 1, 5, 15, 19, 27, 31, 34, 43, 44, 49, 50, 51, and 55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1 through 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmers et al. US Patent (6,816,878 B1), hereinafter "Zimmers" in view of Hunter et al. United States Patent (7,233,781 B2), hereinafter "Hunter".

7.   In regards to Claims 15 and 49, Zimmers teaches a relationship between a telecommunication provider and a plurality of subscribers (network of computers connected by computer network connection 102, as shown in Fig. 1), a method for

determining an appropriate set of addresses to which to distribute an alert (Fig. 4A

through Fig. 4H), the method comprising:

maintaining a directory of alert gateways (Fig. 4B and Fig. 4E, as

described in Col. 18 Lines 22-67 and Col. 20 Lines 1-14), the directory

comprising a plurality of directory entries (this limitations is met because multiple

persons are intended to receive alert notifications, as disclosed in Zimmer

Abstract and, therefore, a directory entry would be required for each user or

household), each directory entry being associated with a particular alert gateway

and comprising at least one gateway characteristic associated with that alert

gateway (subscriber information table 184 of Fig. 3C with: Fields 200 - 206 ["alert

gateway database entry"], such as, customer number, caller ID, Email, or IP

address, and Fields 208 - 232 ["gateway characteristic"], such as ZIP code,

latitude and longitude, or the special needs of a user), the gateway characteristic

including information to enable the alert distribution device to determine whether

a given alert should be transmitted to the alert gateway (Fields 208 - 232, as

described in Col. 14 Lines 25-66);

maintaining a distribution address associated with each of the alert

gateways, the distribution address for a particular alert gateway providing

sufficient identifying information about that alert gateway to allow an alert to be

transmitted to the alert gateway (Fig. 4B and Fig. 4E, as described in Col. 18

Lines 22-67 and Col. 20 Lines 1-14);

associating the at least one gateway characteristic for a particular alert

gateway with the distribution address for that particular alert gateway (data

describing the subscriber in elements 184, 186, 188, 190, 192, and 194 are

commonly linked by customer number/identifier shown as elements 200, 260,

320, 330, 350, and 360 respectively, As described in Col. 14 Lines 3-24; these

tables are generated using the processes of Fig. 4B and Fig. 4E, as described in

Col. 18 Lines 22-67 and Col. 20 Lines 1-14);

receiving an alert, the alert having associated information about the alert

(Figs. 4A, 4B, and 4D show the processes for receiving an alert notification from

various sources. For example, from Emergency Managers Weather Information

Network (EMWIN) of Fig. 4A, as described in Col. 17 Lines 53-67 and Col. 18

Lines 1-21; with additional reference to Fig. 2 showing additional information

transmitted with the alert.);

identifying, based on the information about the alert, a set of selection

criteria for determining which of the plurality of alert gateways should receive the

alert (Fig. 4F, decision block 532 "Determine Type of Notification", as described

in Col. 20 Lines 21-25; with further reference to the "patter matching and parsing"

aspects of Fig. 4A, as described in Col. 18 Lines 4-21);

searching the directory for at least one directory entry comprising a

gateway characteristic corresponding to the identified selection criteria

(depending on the nature of the alert received, one of Figs. 5B, 6B, 7B, 8B, 9B,

10B, or 11 is performed in which a particular subscriber characteristic is use to

determine if the alert should be sent to the individual, such as counties and zip

codes in reference to Fig. 5B. The act of searching needs to be performed in

order to determine the subscribers who meet the selection criteria); and

identifying, based on the search, a set of at least one distribution address

that should receive the alert, each member of the set of distribution addresses

being associated with a directory entry comprising a gateway characteristic that

corresponds to the identified selection criteria (step 620 database query system

112 retrieves all station identifiers of subscribers with matching criteria to the

information contained in the alert);

Zimmers teaches an alert gateway located at a central facility that is used to

distribute alerts to members based on the assigned distribution address (Host

Controllable Switch 132 in communication with Switch Host Computer 130, as shown in

Fig. 1 and described in Col. 11 Lines 34-67). Zimmers teaches subscriber information

table 184 of Fig. 3C with: Fields 200 - 206 ["alert gateway database entry"], such as,

customer number, caller ID, Email, or IP address, and Fields 208 - 232 ["gateway

characteristic"], such as ZIP code, latitude and longitude, or the special needs of a user,

which are used to transmit targeted alerts to the subscriber's location (Regions

140,142,144,146,148,150 of Fig. 1, as described in Col. 11 Line 10—Col. 12 Line 31),

but Zimmers does not explicitly teach wherein the alert gateway is located at a

subscriber location and is in communication with the subscriber equipment.

In a similar field of invention, Hunter teaches a method and system for

dissemination emergency notification information to a select subset of users based on

the subject matter of the notification (Abstract). Hunter further describes the use of an

Emergency Feedback and Notification (EFAN) System 100 and EFAN Device 110 (as

generally shown in Fig. 2). As shown in Fig. 2, EFAN Device 110 can be located at

Residential Homes 102 or Office Buildings 104 and can be embodied as a set-top box,

as described in Col. 13 Lines 1-51. In addition, EFAN Device 110 functions as an alert

gateway by only allowing the selection of messages, using message headers processed

by Microprocessor 1108 of Fig. 4, that are intended for specific households to be

displayed on subscriber equipment, such as TV Device 1103 of Fig. 3, as described in

Col. 13 Line 52—Col. 14 Line 34; with further reference to Col. 3 Line 51—Col. 4 Line

44 and Col. 15 Lines 8-59.

Both Zimmers and Hunter teach an alert gateway device that delivers targeted

alerts to a selected group of subscribers based on a given selection criteria. Zimmers

teaches that the alert gateway is located at a central facility and distributes alerts to

selected user locations (Host Controllable Switch 132 in communication with Switch

Host Computer 130, as shown in Fig. 1 and described in Col. 11 Lines 34-67). Hunter

teaches distributing targeted alerts to a selected group of subscribers that are received

by the alert gateway at the user's location (EFAN Device 110 can be located at

Residential Homes 102 or Office Buildings 104 and can be embodied as a set-top box,

as described in Col. 13 Lines 1-51). In view of the similar teachings of Zimmers and

Hunter, one of ordinary skill in the art at the time of the invention would have been

motivated to modify the central facility alert gateway of Zimmers to include a gateway

located at the subscribers locations, as taught by Hunter, in order to provide a more

diverse and versatile message alert distribution system (as Hunter suggests in Col. 2

Lines 16-25).

8.   In regards to Claim 16, the combination of Zimmers and Hunter teach the method

of Claim 15, wherein the at least one gateway characteristic associated with each of the

alert gateways comprises information about the geographic location of the alert gateway

(selected data entries of Fig. 3C, such as Latitude, Longitude, Elevation, Postal Zip

Code, or Physical Address, as described by Zimmers in Cols. 14-16 and Col. 17 Lines

1-52).

9.   In regards to Claim 17, the combination of Zimmers and Hunter teach the method

of Claim 16, wherein the information about the alert comprises geographic information

about a geographic area to which the alert pertains, such that subscribers outside the

geographic area would be relatively unlikely to be interested in receiving the alert

(Zimmers teaches alert notification of Fig. 2, which contains county information 124 and

town information 122, as described in Col. 8 Lines 42-67 and Col. 9 Lines 1-3).

10.   In regards to Claim 18, the combination of Zimmers and Hunter teach the method

of Claim 15, wherein the directory entry for each alert gateway comprises information

about a distribution address for that alert gateway (Zimmers teaches subscriber

information table 184 contains information regarding ANI (Caller ID), Email, and TCP/IP,

which are associated with a telephone number, email address, or Internet Protocol

address respectively), and wherein maintaining a distribution address associated with

each of the alert gateways comprises maintaining the information about the distribution

address (Zimmers Fig. 4B and Fig. 4E, as described in Col. 18 Lines 22-67 and Col. 20

Lines 1-14).

11.   In regards to Claim 19, the combination of Zimmers and Hunter teach the method

of Claim 15, wherein the directory of alert gateways comprises a first database

(Zimmers teaches tables of Fig. 3 are stored in database server 104, as disclosed in

Col. 13 Lines 20-25).

12.   In regards to Claim 20, the combination of Zimmers and Hunter teach the method

of Claim 19, wherein the distribution address associated with each of the alert gateways

are maintained in a second database (Zimmers teaches database query system 112

generates packet data containing the information shown in TABLE III of Col. 12. The

packet data is sent to an intended destination based on the "Station ID" and "Station ID

Type", as described in Col. 12 Lines 32-67 and Col. 13 Lines 1-19).

13.   In regards to Claim 21, the combination of Zimmers and Hunter teach the method

of Claim 15, wherein the at least one gateway characteristic associated with an alert

gateway comprises information selected from the group consisting of the area code in

which the alert gateway is located, the ZIP code in which the alert gateway is located,

the latitude and longitude coordinates of the alert gateway, the Global Positioning

System coordinates of the alert gateway, demographic information about a subscriber

associated with the alert gateway, and information about subscriber preferences held by

a subscriber associated with the alert gateway (Zimmers teaches subscriber information

table of Fig. 3C, as described in Cols. 14-16 and Col. 17 Lines 1-52).

14.   In regards to Claim 22, the combination of Zimmers and Hunter teach the method
of Claim 15, wherein the alert comprises urgent public information (Zimmers discloses
various applications of the alert system, some examples of which are disclosed in Col.
11 Lines 10-18).

15.   In regards to Claim 23, the combination of Zimmers and Hunter teach the method
of Claim 22, wherein the urgent public information is selected from a group consisting of
an Emergency Alert System transmission, an Amber Alert, a severe weather
notification, and a Homeland Security Advisory notification (in addition to the examples
cited in reference to Claim 22, Zimmers teaches a specific application is shown in Fig. 2
regarding an alert sent by the National Weather Service (NWS), as described in Col. 8
Lines 30-67 and Col. 9 Lines 1-12).

16.   In regards to Claim 24, the combination of Zimmers and Hunter teach the method
of Claim 15, wherein the information about the alert is incorporated within the alert
(Zimmers teaches the alert transmitted from the NWS is transmitted using the ENWIN
data stream, which is an alphanumeric text based system, as disclosed in Col. 8 Lines
30-41, so all information transmitted would be part of the data stream and therefore part
of the alert).

17.   In regards to Claim 25, the combination of Zimmers and Hunter teach the method
of Claim 15, wherein the alert information about the alert is additional to the alert
(Zimmers teaches "the body of the NWS message may also be inserted into a facsimile
message, sent as an electronic mail message, read via a computer-generated voice
over the telephone, or forwarded to a text pager", as disclosed in Col. 9 Lines 4-7, these

communications would require additional information to be added to the text data of the

NWS data stream in order to be transmitted, for example, as an email notification).

18.   In regards to Claim 26, the combination of Zimmers and Hunter teach the method

of Claim 15, further comprising extracting from the alert the information about the alert

(Zimmers teaches data parsing process shown in Fig. 4A, as described in Col. 17 Lines

53-67 and Col. 18 Lines 1-21).

19.   In regards to Claim 49, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers (network of computers

connected by computer network connection 102, as shown in Fig. 1), a method for

determining an appropriate set of addresses to which to distribute an alert (Fig. 4A

through Fig. 4H), the method comprising: transmitting the alert to a set of alert

gateways, each member of the set of alert gateways being associated with a member of

the set of distribution addresses (by way of network communications 102, an alert may

be transmitted by telephone and facsimile, electronic mail, or other Internet

communications methodologies ["gateways"], as disclosed in Col. 12 Lines 22-31.

These gateways are uniquely identified by "Station ID type" and each recipient of an

alert is identified by a "station ID" as described in Col. 12 Lines 56-67 and Col. 13 Lines

1-4). The remaining limitations of Claim 49 have been addressed with reference to the

method of Claim 15.

20.   In regards to Claim 50, the combination of Zimmers and Hunter teach the method

of Claim 49, wherein at least one of the plurality of alert gateways is incorporated within

a network interface device <u>located at a subscriber location</u> (Hunter teaches

Microprocessor 1108 as part of EFAN Device 110 that monitors the incoming bitstream

for alerts, monitors EFAN receiver for alert, and communicates characters to Character

Generator 215, as described in Col. 15 Lines 8-26. In addition, EFAN Device 110 can

function as a network interface device, such as when embodied in a set-top box as part

of a digital broadcast system, as Hunter described in Col. 16 Lines 14-46).

21.   In regards to Claim 51, the combination of Zimmers and Hunter teach the method

of Claim 49, wherein at least one of the plurality of alert gateways is in communication

with a network interface device <u>located at a subscriber location</u> (Hunter shows

Microprocessor 1108 in communication with network interface Front End Receiver 202,

POTS Modem 208, and National Weather Radio Receiver 210, as described in Col. 15

Lines 8-44).

22.   The limitations of Claim 52 have been addresses with reference to Claim 49 and

Claim 21.

23.   The limitations of Claim 53 have been addresses with reference to Claim 49 and

Claim 22.

24.   The limitations of Claim 54 have been addresses with reference to Claim 49,

Claim 22, and Claim 23.

25.   In regards to Claim 1, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers (network of computers

connected by computer network connection 102, as shown in Fig. 1), a device for

determining an appropriate set of addresses to which to distribute an alert (database

query system 112, as described in Col. 11 Lines 27-33), the device comprising: at least

one interface member in communication with a communication network (data base

query system 112 is in communication with at least web server 114 and IVR system

116, as described in Col. 7 Lines 2-7, therefore database query system contains an IP

network interface); a processor in communication with the at least one interface

member (database query system 112 may also "instruct web server 114 to deliver the

alert notification", as disclosed in Col. 12 Lines 22-31); and a storage medium in

communication with the processor (database query system 112 performs comparisons,

such as that of Fig. 4F, which require known data, such as Table III, therefore database

query system 112 must contain a storage medium), the storage medium comprising

instructions executable by the processor to perform the method of Claim 15 (see the

analysis of Claim 15 for references to these limitations).

26.   The limitations of Claim 2 have been addresses with reference to Claim 1 and

Claim 16.

27.   The limitations of Claim 3 have been addresses with reference to Claim 1, Claim

16, and Claim 17.

28.   The limitations of Claim 4 have been addresses with reference to Claim 1 and

Claim 18.

29.   The limitations of Claim 5 have been addresses with reference to Claim 1 and

Claim 19.

30.   The limitations of Claim 6 have been addresses with reference to Claim 1, Claim 19, and Claim 20.

31.   The limitations of Claim 7 have been addresses with reference to Claim 1 and Claim 21.

32.   The limitations of Claim 8 have been addresses with reference to Claim 1 and Claim 22.

33.   The limitations of Claim 9 have been addresses with reference to Claim 1 and Claim 23.

34.   The limitations of Claim 10 have been addresses with reference to Claim 1 and Claim 24.

35.   The limitations of Claim 11 have been addresses with reference to Claim 1 and Claim 25.

36.   The limitations of Claim 12 have been addresses with reference to Claim 1 and Claim 26.

37.   In regards to Claim 13, the combination of Zimmers and Hunter teach the device of Claim 1, wherein the communication network is selected from a group consisting of a radio-frequency transmission, a telephone network, a cable television distribution network, the Internet, a fiber-optic network, a high-speed data network, a wireless network, and a microwave network (Zimmers teaches in Fig. 1, alert notification system 100 consists of communication channels such as FM receiver 110, IP through web server 114, or public switched telecommunications network 136).

38.   In regards to Claim 14, the combination of Zimmers and Hunter teach the device

of Claim 1, wherein the communication network is a plurality of communication networks

and wherein, for a particular distribution address, the device is configured to select the

most appropriate communication network via which to transmit the alert information to

the particular distribution address (Zimmers teaches in Fig. 1, alert notification system

100 consists of communication channels such as FM receiver 110, IP through web

server 114, or public switched telecommunications network 136. In addition, database

query system 112 can determine the appropriate transmission channel using the

process of Fig. 4F, as described in Col. 20 Lines 15-65).

39.   In regards to Claim 55, the combination of Zimmers and Hunter teach <u>the device</u>

<u>of Clam 1, wherein the alert gateway transmits the alert to the subscriber equipment</u>

(Hunter teaches transmitting the received alert information to TV Device 1103 of Fig. 3,

as described in Col. 14 Lines 35-67).

40.   In regards to Claim 27, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers, a system for distributing an

alert to an appropriate set of subscribers (alert notification system 100 of Fig. 1), the

system comprising: a plurality of alert gateways configured to receive an alert, each of

the plurality of alert gateways being associated with at least one subscriber (alerts may

be received by interactive response system 116, by way of an Internet connection, as

disclosed in Col. 11 Lines 27-33; and alert notifications may be delivered by way of

telephone, facsimile, electronic mail, or other Internet communications, as disclosed in

Col. 12 Lines 22-31. In addition, subscriber information table 184 relates the subscriber

information with the alert gateway characteristics, as disclosed in Col. 13 Lines 61-67);

a communication network in communication with the plurality of alert gateways

(computer network connection 102, as described in Col. 6 Lines 36-67 and Col. 7 Lines

1-6); and an alert distribution device in communication with the communication network

(database query system 112, as described in Col. 8 Lines 24-29), the alert distribution

device comprising (the elements of database query system 112 have been addressed

with reference to Claim 1): at least one interface member in communication with the

network; a processor in communication with the at least one interface member; and a

storage medium in communication with the processor, the storage medium comprising

instructions executable by the processor to perform the method of Claim 49 (see the

analysis of Claim 49 for references to these limitations).

41.   The limitations of Claim 28 have been addresses with reference to Claim 27 and

Claim 16.

42.   The limitations of Claim 29 have been addresses with reference to Claim 27,

Claim 16, and Claim 17.

43.   The limitations of Claim 30 have been addresses with reference to Claim 27 and

Claim 18.

44.   The limitations of Claim 31 have been addresses with reference to Claim 27 and

Claim 19.

45.   The limitations of Claim 32 have been addresses with reference to Claim 27 and

Claim 20.

46.   The limitations of Claim 33 have been addresses with reference to Claim 27 and

Claim 21.

47.   The limitations of Claim 34 have been addresses with reference to Claim 27 and

Claim 50.

48.   The limitations of Claim 35 have been addresses with reference to Claim 27 and

Claim 51.

49.   The limitations of Claim 36 have been addresses with reference to Claim 27 and

Claim 22.

50.   The limitations of Claim 37 have been addresses with reference to Claim 27,

Claim 22, and Claim 23.

51.   The limitations of Claim 38 have been addresses with reference to Claim 27 and

Claim 24.

52.   The limitations of Claim 39 have been addresses with reference to Claim 27 and

Claim 25.

53.   The limitations of Claim 40 have been addresses with reference to Claim 27 and

Claim 26.

54.   The limitations of Claim 41 have been addresses with reference to Claim 27 and

Claim 13.

55.   The limitations of Claim 42 have been addresses with reference to Claim 27 and

Claim 14.

56.   In regards to Claim 43, Zimmers teaches a relationship between a

telecommunication provider and a plurality of subscribers, a system for distributing an

alert to an appropriate set of subscribers (alert notification system 100 of Fig. 1), the

system comprising: a plurality of alert gateways configured to receive an alert, each of

the plurality of alert gateways having a geographic location (alerts may be transmitted to

various geographic areas, such as 140, 142, 144, 146, 148, and 150, as described in

Col. 11 Lines 49-62), and each of the plurality of alert gateways being associated with at

least one subscriber (alerts may be received by interactive response system 116, by

way of an Internet connection, as disclosed in Col. 11 Lines 27-33; and alert

notifications may be delivered by way of telephone, facsimile, electronic mail, or other

Internet communications, as disclosed in Col. 12 Lines 22-31. In addition, subscriber

information table 184 relates the subscriber information with the alert gateway

characteristics, as disclosed in Col. 13 Lines 61-67); a network configured to provide

communication with the plurality of alert gateways (computer network connection 102,

as described in Col. 6 Lines 36-67 and Col. 7 Lines 1-6); and an alert distribution device

in communication with the communication network (database query system 112, as

described in Col. 8 Lines 24-29), the alert distribution device comprising: at least one

interface member in communication with the network; a processor in communication

with the at least one interface member; and a storage medium in communication with

the processor (the elements of database query system 112 have been addressed with

reference to Claim 1), the storage medium comprising instructions executable by the

processor to perform the method of Claims 27 and 49 (see the analysis of Claims 27

and 49 for references to these limitations).

57.   The limitations of Claim 44 have been addresses with reference to Claim 43 and

Claim 34.

58.   The limitations of Claim 45 have been addresses with reference to Claim 43 and

Claim 35.

59.   The limitations of Claim 46 have been addresses with reference to Claim 43 and

Claim 22.

60.   The limitations of Claim 47 have been addresses with reference to Claim 43,

Claim 22, and Claim 23.

61.   The limitations of Claim 48 have been addresses with reference to Claim 43 and

Claim 21.

Conclusion

62.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

63.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

64.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2623
September 25, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623